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6 Counsel for Plaintiff **MARTIN ENG LEE**

7 **IN AND FOR THE UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT**
9 **DIVISION OF SAN FRANCISCO**

10 MARTIN ENG LEE,

11 Plaintiff,

12 v.

13 LEGAL RECOVERY LLC, a California
14 limited liability company; DEMAS YAN,
15 AN INDIVIDUAL; CHEUK YAN, an
16 individual; SAN FRANCISCO SHERIFF'S
17 DEPARTMENT, a government entity;
18 TINA FOON YAN, AN INDIVIDUAL;
19 BRYANT FU, AN INDIVIDUAL; TONY
20 FU, AN INDIVIDUAL; DUY THAI, AN
21 INDIVIDUAL; CHARLES LI, AN
22 INDIVIDUAL; CRYSTAL LEI, AN
23 INDIVIDUAL; and DOES 1-10, inclusive,

24 Defendants.

25 **CASE NUMBER: 3:24-cv-03628-WHO**

26 **[Honorable Senior District Judge**
27 **William H. Orrick]**

28 **OBJECTIONS OF PLAINTIFF**
MARTIN ENG LEE

OBJECTIONS

PLAINTIFF MARTIN ENG LEE files timely OBJECTIONS to the screening order of the prior magistrate judge Alex Tse.

Jurisdiction

Federal Racketeer Influenced and Corrupt Organizations Act

This Court has original subject-matter jurisdiction pursuant to 18 U.S.C. § 1964(c) - (d), and 28 U.S.C. § 1331 because this action arises, in part, under the Federal Racketeer Influenced and Corrupt Organizations Act (“Federal RICO”).

This Court has jurisdiction over Plaintiff's related state and common law claims pursuant to the doctrine of supplemental jurisdiction, 28 U.S.C. § 1337.

Federal RICO

Federal RICO is furthered via the enterprise, predicate acts and pattern of racketeering activities of Defendants Legal Recovery LLC, collectively, based on the actions and omissions of (1) Defendants Demas Yan, Cheuk Yan; (2) one or more former officers and former directors of Legal Recovery LLC, including but not limited to persons, such as Defendants Tina Foon Yan, Bryant Fu or Brian Fu, Tony Fu, Duy Thai, Charles Li, Crystal Lei and/or related individuals; (3) one or more former senior officials of the Defendants Legal Recovery LLC, and/or (4) employees, officers and directors of Defendants Legal Recovery LLC and related organizations.

Alter Ego

Plaintiff states that there is unity of interest and ownership between Defendants such that any individuality and separateness between these defendants has ceased. As such, there exists such a unity of interest between Defendants that failure to recognize the alter ego relationship among them would lead to inequitable results.

1 **Fed. Rul. Civ. Proc. Rule 15**

2 Plaintiff has, as a matter of right, under Fed. *Rul. Civ. Proc. R.* 15(a), the
3 first- amended complaint was filed timely. The amended civil cover sheet was also filed
4 concurrently. Thus, Plaintiff has met all jurisdictional requirements along with any local
5 rules and orders.

6

7 ***Issuance of Summons***

8

9 The court should issue the summons so as for Plaintiffs to properly serve
10 the Defendants.

11

12 ***Striking and Dismissing***

13

14 The court should refrain from striking the first-amended complaint and dismissing
15 the entire lawsuit based on the afore-stated meeting of the jurisdictional requirements,
16 filing of the first-amended complaint, the amended civil-cover sheet showing RICO as a
17 jurisdictional basis in this district court, and the FRCP Rule 15.

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19 **DATED: August 01, 2024**

20 **LAW OFFICE OF RESHMA KAMATH**

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23 **RESHMA KAMATH**

24 Counsel for PLAINTIFF,
25 **MARTIN ENG LEE**

26 **OBJECTIONS**